

CHAPTER 16

Subdivisions

Article 16-4 General Provisions

Sec. 16-4-10	Citation
Sec. 16-4-20	Policy declaration
Sec. 16-4-30	Regulation of land subdivision; compliance by developer
Sec. 16-4-40	Purpose of regulations
Sec. 16-4-50	Applicability
Sec. 16-4-60	Interpretation and application
Sec. 16-4-70	Approved plat required
Sec. 16-4-80	Redefined lots or building sites
Sec. 16-4-90	Amendment

Article 16-8 Definitions

Sec. 16-8-10	Construction of language
Sec. 16-8-20	Alley
Sec. 16-8-30	Arterial street
Sec. 16-8-40	Bicycle trail
Sec. 16-8-50	Capital improvements program
Sec. 16-8-60	City
Sec. 16-8-70	Collector street
Sec. 16-8-80	Comprehensive plan
Sec. 16-8-90	Cul-de-sac
Sec. 16-8-95	Development impact fees
Sec. 16-8-100	Easement
Sec. 16-8-110	Escrow
Sec. 16-8-120	Improvements
Sec. 16-8-130	Local street
Sec. 16-8-140	Lot
Sec. 16-8-150	Lot, double frontage
Sec. 16-8-160	Model home
Sec. 16-8-170	Park and recreation improvement fund
Sec. 16-8-180	Performance bond
Sec. 16-8-190	Planned unit development
Sec. 16-8-200	Plat
Sec. 16-8-210	Residential high density
Sec. 16-8-220	Residential low density
Sec. 16-8-230	Residential medium density
Sec. 16-8-240	Right-of-way, public
Sec. 16-8-250	Street
Sec. 16-8-260	Subdivider
Sec. 16-8-270	Subdivision
Sec. 16-8-280	Subdivision, major
Sec. 16-8-290	Subdivision, minor

Article 16-12 Procedures

Sec. 16-12-10	Classification of subdivisions
Sec. 16-12-20	Preapplication conference; vicinity sketch plan
Sec. 16-12-30	Preliminary plat required
Sec. 16-12-40	Copies for agency review
Sec. 16-12-50	Hearing on plat
Sec. 16-12-60	Action by Planning Commission

- Sec. 16-12-70 Field inspection
- Sec. 16-12-80 Request for review by City Council
- Sec. 16-12-90 Preparation of preliminary plat
- Sec. 16-12-100 Contents of preliminary plat
- Sec. 16-12-110 Material accompanying plat
- Sec. 16-12-120 Preliminary plat duration
- Sec. 16-12-130 Conformance required
- Sec. 16-12-140 Procedure for early construction of model homes
- Sec. 16-12-150 Final plat required when
- Sec. 16-12-160 Copies to City Planner
- Sec. 16-12-170 Review by Planning Commission
- Sec. 16-12-180 Hearing on final plat
- Sec. 16-12-190 Submission to City Council
- Sec. 16-12-200 Action by City Council
- Sec. 16-12-210 Recordation of final plat
- Sec. 16-12-220 Preparation of final plat
- Sec. 16-12-230 Contents of final plat
- Sec. 16-12-240 Material accompanying final plat
- Sec. 16-12-250 Subdivision agreement and performance bond
- Sec. 16-12-260 Alternative procedures for reviewing subdivision plats

Article 16-16 Design Standards

- Sec. 16-16-10 Generally
- Sec. 16-16-20 Site considerations
- Sec. 16-16-30 Streets; conformance required
- Sec. 16-16-40 Property street access and frontage requirements
- Sec. 16-16-50 Local streets
- Sec. 16-16-60 Integration of streets with existing systems
- Sec. 16-16-70 Boundary extensions of streets
- Sec. 16-16-80 Perimeter half-streets
- Sec. 16-16-90 Streets in commercial and industrial developments
- Sec. 16-16-100 Access to arterial streets
- Sec. 16-16-110 Bicycle trails
- Sec. 16-16-120 Intersections
- Sec. 16-16-130 Dimensional standards for street layout
- Sec. 16-16-140 Street names and numbers
- Sec. 16-16-150 Alleys
- Sec. 16-16-160 Utility easements
- Sec. 16-16-170 Stormwater easements
- Sec. 16-16-180 Blocks
- Sec. 16-16-190 Lot arrangement
- Sec. 16-16-200 Lot dimensions
- Sec. 16-16-210 Double frontage and reversed frontage lots
- Sec. 16-16-220 Access to lots
- Sec. 16-16-230 Drainage for lots

Article 16-20 Improvements

- Sec. 16-20-10 Approval required
- Sec. 16-20-20 Surface improvements
- Sec. 16-20-30 Utilities
- Sec. 16-20-40 Underground utilities and other improvements
- Sec. 16-20-50 Finished plans required for acceptance of improvements
- Sec. 16-20-60 Release of performance bond
- Sec. 16-20-70 Extended guarantee

Article 16-24	Public Dedications and Reservations
Sec. 16-24-10	Dedication of rights-of-way
Sec. 16-24-20	Local parks and open space
Sec. 16-24-30	Community parks and open space
Sec. 16-24-40	Exemption to parkland dedication requirements; infill development
Sec. 16-24-50	Park development fee
Sec. 16-24-60	Private outdoor recreation and open space
Sec. 16-24-70	Density bonus for bicycle and pedestrian paths
Sec. 16-24-80	Fair contribution for public school sites
Article 16-28	Fees
Sec. 16-28-10	Schedule of fees
Article 16-32	Variances
Sec. 16-32-10	Generally
Sec. 16-32-20	Planned unit development variances
Article 16-36	Penalties and Civil Remedies
Sec. 16-36-10	Violations, penalties and other actions
Article 16-40	Vested Property Rights
Sec. 16-40-10	Purpose
Sec. 16-40-20	Definitions
Sec. 16-40-25	Application procedure
Sec. 16-40-30	Notice and hearing
Sec. 16-40-40	Action for approval of site specific development plan vested property right; conditions
Sec. 16-40-50	Duration; termination; waiver; abandonment
Sec. 16-40-60	Exceptions to vesting of property rights
Sec. 16-40-70	Amendments to site specific development plan
Sec. 16-40-80	Notice of approval
Sec. 16-40-90	Payment of costs
Sec. 16-40-100	Miscellaneous
Sec. 16-40-110	Limitations

ARTICLE 16-4

General Provisions

Sec. 16-4-10. Citation.

These regulations shall be known and may be cited as the "Subdivision Regulations of the City of Brighton." (Ord. 1008 §1(A), 1979)

Sec. 16-4-20. Policy declaration.

(a) It is hereby declared to be the policy of the City to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the City pursuant to the comprehensive plan for the orderly, planned, efficient and economical development of the City.

(b) Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace. Land shall not be subdivided until proper provision has been made for drainage, water, sewage and capital improvements-such as schools, parks, recreation facilities, transportation facilities and improvements.

(c) The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the comprehensive plan, and the capital improvements program of the City. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, the zoning ordinance, the comprehensive plan and the capital improvements program of the City. (Ord. 1008 §1(B), 1979)

Sec. 16-4-30. Regulation of land subdivision; compliance by developer.

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the State to the City. The developer has the duty of compliance with reasonable conditions laid down by the Planning Commission and the City Council for design, dedication, improvement and restrictive use of the land so as to conform to the physical and economical development of the City and to the safety and general welfare of the future lot owners in the subdivision and to the community at large. (Ord. 1008 §1(C), 1979)

Sec. 16-4-40. Purpose of regulations.

These regulations are designed and enacted for the following purposes:

- (1) To protect and provide for the public health, safety and general welfare of the City;
- (2) To guide the future growth and development of the City in accordance with the comprehensive plan;
- (3) To provide for adequate light, air and privacy, to secure safety from fire, flood and other danger, and to prevent overcrowding of the land and undue congestion of population;
- (4) To protect and conserve the value of land throughout the City and the value of buildings and improvements upon the land;

(5) To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the City, and the pedestrian and bicycle traffic movements appropriate to the various uses of land and buildings;

(6) To establish reasonable standards of design and procedures for subdivisions and resubdivisions, in order to further the orderly layout and use of the land;

(7) To insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision, and to provide for open spaces through the most efficient design and layout of the land; and

(8) To prevent the pollution of air, streams and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the City in order to preserve the integrity, stability and beauty of the community. (Ord. 1008 §1(D), 1979)

Sec. 16-4-50. Applicability.

These regulations are applicable within the following described areas:

(1) All land located within the legal boundaries of the City;

(2) All land located within three (3) miles of the corporate limits of the City and not located in any other municipality for the purposes of control with reference to the street element of the comprehensive plan of the City;

(3) Land in process of annexation. (Ord. 1008 §1(G), 1979)

Sec. 16-4-60. Interpretation and application.

In the interpretation and application of the provisions of these regulations, the following provisions shall govern:

(1) In their interpretation and application, the provisions of these regulations shall be regarded as the minimum requirement for the protection of the public health, safety, comfort, morals, convenience, prosperity and welfare. These regulations shall therefore be regarded as remedial and shall be liberally construed to further its underlying purposes.

(2) Whenever the requirements of these regulations are at variance with the requirements of any other lawfully adopted rules, regulations, building codes, fire codes or ordinances, the more restrictive, or that imposing the higher standards, shall govern.

(3) These regulations are not intended to abrogate or annul any permits, easements or covenants issued before the effective date of these regulations. (Ord. 1008 §1(I), 1979)

Sec. 16-4-70. Approved plat required.

(a) Whoever divides or participates in the division of a lot, tract or parcel of land into two (2) or more lots, sites or other divisions of land for the purpose, whether immediate or future, of sale or building development, whether residential, commercial, industrial or any other use shall make the

transaction subject to the provisions of these regulations and a plat therefore must be submitted to and accepted by the City according to the terms as set forth in this Chapter. The terms shall also include and refer to any division of land previously subdivided or platted.

(b) No plat of a subdivision of land shall be used for purposes of sale or building development or filed and recorded until approved by the Planning Commission and the City Council with such approval entered in writing on the plat and signed by the Mayor and attested by the City Clerk.

(c) No building shall be erected on any lot, nor shall a building permit be issued for a building unless the street giving access to the lot upon which such building is proposed to be placed shall have been dedicated and approved by the City as a part of an official subdivision. (Ord. 1008 §1(E), 1979)

Sec. 16-4-80. Redefined lots or building sites.

(a) A portion of a given lot or building site may be conveyed with an adjacent platted lot, provided that the portion conveyed consists of a strip of land defined by a line parallel to and a given distance from the subject lot, and provided that no additional lot or building site is created. All lots or building sites so redefined shall comply with the minimum standards of the zoning ordinance.

(b) An applicant for a building permit for a redefined lot or building site shall submit a site plan including the adjacent lots or building sites involved in the redefinition. (Ord. 1008 §1(F), 1979)

Sec. 16-4-90. Amendment.

The City Council may amend the requirements of these regulations after giving public notice of any such proposed amendment and after holding a public hearing thereon. (Ord. 1008 §1(L), 1979)

ARTICLE 16-8

Definitions

Sec. 16-8-10. Construction of language.

- (a) The particular controls the general.
- (b) The word *shall* is always mandatory and not directory. The word *may* is permissive.
- (c) Words used in the present tense include the future, unless the context clearly indicates the contrary.
- (d) Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary. (Ord. 1008 §6(A), 1979)

Sec. 16-8-20. Alley.

Alley means a minor right-of-way dedicated to public use, which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street and which may be used for public utility purposes. (Ord. 1008 §6(B)(part), 1979)

Sec. 16-8-30. Arterial street.

Arterial street means any street serving major traffic movements which is designed primarily as a traffic carrier between cities or between various sections of the City, which forms part of a network of through streets, and which provides service and access to abutting properties only as a secondary function. (Ord. 1008 §6(B)(part), 1979)

Sec. 16-8-40. Bicycle trail.

Bicycle trail means a separate trail or path upon which motor vehicles are prohibited and which is for the exclusive use of bicycles or the shared use of bicycles and pedestrians. Where such trail or path forms a part of a highway, it is separated from the roadway for motor vehicles traffic by open space or barrier. (Ord. 1008 §6(B)(part), 1979)

Sec. 16-8-50. Capital improvements program.

Capital improvements program means a proposed schedule of all future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government's operating expense, for the purchase, construction or replacement of the physical assets for the community are included. (Ord. 1008 §6(B)(part), 1979)

Sec. 16-6-60. City.

As used in these regulations, *City* refers to the City Council, with the Planning Commission as the advisory body. (Ord. 1008 §6(B)(part), 1979)

Sec. 16-8-70. Collector street.

Collector street means any street designed primarily to gather traffic from local streets and carry it to the arterial system. (Ord. 1008 §6(B)(part), 1979)

Sec. 16-8-80. Comprehensive plan.

Comprehensive plan means the comprehensive plan for the City which has been officially adopted to provide long-range development policies for the City and which includes, among other things, the plan for land use, circulation and public facilities. (Ord. 1008 §6(B)(part), 1979)

Sec. 16-8-90. Cul-de-sac.

Cul-de-sac means a local street having one (1) end open to vehicular traffic and having one (1) end closed and terminated by a turnaround. (Ord. 1008 §6(B)(part), 1979)

Sec. 16-8-95. Development impact fees.

Development impact fees means moneys paid by subdividers as part of the City's land use development application review and approval process, and in connection with the construction of new developments by subdividers thereafter, and includes, without limitation, all fees and charges paid by subdividers to the City in connection with or in consideration of new residential, commercial, industrial or other development requiring the subdivision of land or the construction of infrastructure or other

improvements within the City, including but not limited to fees, charges or cash-in-lieu payments for acquisition of park land and trails, park and trails improvements or park and trails development; open space acquisition and preservation; traffic infrastructure, transit infrastructure, signalization and other traffic-related improvements; bridges and crossings; water and sewer infrastructure, treatment facilities and other related improvements; water acquisition and storage facilities; drainage infrastructure and other related improvements; and such other and similar fees and charges adopted by the City Council from time to time, whether by ordinance, annual fee resolution or otherwise, provided that such fees and charges are reasonably related to the impacts resulting from new developments or subdivisions of land within the City and the construction of infrastructure and other improvements related thereto. (Ord. 1715 §1, 2001)

Sec. 16-8-100. Easement.

Easement means authorization by a property owner for the use by the public, a corporation or persons, of any designated part of his or her property for specific purposes. (Ord. 1008 §6(B)(part), 1979)

Sec. 16-8-110. Escrow.

Escrow means a deposit of cash with the local government in lieu of an amount required and still in force on a performance or maintenance bond. Such escrowed funds shall be deposited in a separate account. (Ord. 1008 §6(B)(part), 1979)

Sec. 16-8-120. Improvements.

Improvements means all facilities constructed or erected by a subdivider within a subdivision to permit and facilitate the use of lots or blocks for a residential, commercial or industrial purpose. (Ord. 1008 §6(B)(part), 1979)

Sec. 16-8-130. Local street.

Local street means any street designated primarily to provide access to abutting property. (Ord. 1008 §6(B)(part), 1979)

Sec. 16-8-140. Lot.

Lot means a tract, plot or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development. (Ord. 1008 §6(B)(part), 1979)

Sec. 16-8-150. Lot, double frontage.

Double frontage lot means a lot which runs through a block from street to street and which has two (2) nonintersecting sides abutting on two (2) or more streets. (Ord. 1008 §6(B)(part), 1979)

Sec. 16-8-160. Model home.

Model home means a dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the subdivision. (Ord. 1008 §6(B)(part), 1979)

Sec. 16-8-170. Park and recreation improvement fund.

Park and recreation improvement fund means a special fund established by the City Council to retain moneys contributed by subdividers in accordance with the cash in lieu of land provisions of these regulations. (Ord. 1008 §6(B)(part), 1979)

Sec. 16-8-180. Performance bond.

Performance bond means any form of security including a cash deposit surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the City Council. (Ord. 1008 §6(B)(part), 1979)

Sec. 16-8-190. Planned unit development.

Planned unit development means a project of a single owner or a group of owners acting jointly, involving a related group of residences, businesses or industries and associated uses, planned as a single entity and therefore subject to development and regulation as one (1) land use unit rather than as an aggregation of individual buildings located on separate lots. The planned unit development includes usable, functional, open space for the mutual benefit of the entire tract and is designed to provide variety and diversity through the variance of normal zoning and subdivision standards so that maximum long range benefits can be gained and the unique features of the development or site are preserved and enhanced, while still being in harmony with the surrounding neighborhood. Approval of a planned unit development does not eliminate the requirements of subdividing. (Ord. 1008 §6(B)(part), 1979)

Sec. 16-8-200. Plat.

Plat means a subdivision as it is represented as a formal document by drawings and writing. (Ord. 1008 §6(B)(part), 1979)

Sec. 16-8-210. Residential high density.

Residential high density means those residential areas or zoning districts in which the average density is equal or greater than ten (10) units per acre. (Ord. 1008 §6(B)(part), 1979)

Sec. 16-8-220. Residential low density.

Residential low density means those residential areas or zoning districts in which the average density is equal or less than five (5) units per acre. (Ord. 1008 §6(B)(part), 1979)

Sec. 16-8-230. Residential medium density.

Residential medium density means those residential or zoning districts in which the average density is between five (5) and ten (10) units per acre. (Ord. 1008 §6(B)(part), 1979)

Sec. 16-8-240. Right-of-way, public.

Public right-of-way means all streets, roadways, bikeways, sidewalks, alleys and all other areas reserved for present or future use by the public, as matter of right, for the purpose of vehicular or pedestrian travel. (Ord. 1008 §6(B)(part), 1979)

Sec. 16-8-250. Street.

Street means the entire width between the boundary lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic and including the terms *road, highway, land, place, avenue* or other similar designations. (Ord. 1008 §6(B) (part), 1979)

Sec. 16-8-260. Subdivider.

Subdivider or *developer* means any person, partnership, joint venture, association or corporation who shall participate as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a subdivision. (Ord. 1008 §6(B)(part), 1979)

Sec. 16-8-270. Subdivision.

Subdivision means the division of a lot, tract or parcel of land into two (2) or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or building development, whether residential, industrial, office, business or other use. The term shall also include and refer to any division of land previously subdivided or platted. (Ord. 1008 §6(B)(part), 1979)

Sec. 16-8-280. Subdivision, major.

Major subdivision means all subdivisions not classified as minor subdivisions, including but not limited to subdivisions of four (4) or more lots, or any size subdivision requiring any new street or extension of municipal facilities, or the creation of any public improvements. (Ord. 1008 §6(B)(part), 1979)

Sec. 16-8-290. Subdivision, minor.

Minor subdivision means any subdivision containing not more than three (3) lots fronting on an existing street, not involving any new street or road, the extension of municipal facilities or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the comprehensive plan, zoning ordinance or these regulations. (Ord. 1008 §6(B)(part), 1979)

ARTICLE 16-12

Procedures

Sec. 16-12-10. Classification of subdivisions.

(a) Whenever any subdivision of land is proposed, it shall be classified as a minor subdivision or a major subdivision according to the following definitions:

(1) *Minor Subdivision.* Any subdivision containing not more than three (3) lots or building sites fronting on an existing street, not involving any new street or road, or the extension of municipal facilities or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the comprehensive plan, zoning ordinance or these regulations.

(2) *Major Subdivision.* All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of four (4) or more lots or building sites, or any size subdivision requiring any new street or extension of municipal facilities, or the creation of any public improvements.

(b) There are two (2) procedural steps for approval of a minor subdivision and three (3) steps for approval of a major subdivision:

(1) Minor subdivision:

- a. Vicinity sketch plan,
- b. Final subdivision plat.

(2) Major subdivision:

- a. Vicinity sketch plan,
- b. Preliminary plat,
- c. Final subdivision plat. (Ord. 1008 §2(A), 1979)

Sec. 16-12-20. Preapplication conference; vicinity sketch plan.

Prior to preparing a preliminary plat for presentation to the Planning Commission, the subdivider shall make known his or her intentions to the City Planner to discuss any development plans or standards that may affect the proposed subdivision. At this time, a vicinity sketch map shall be submitted and shall be prepared at a scale of one (1) inch equals two hundred (200) feet, extending at least one-quarter ($\frac{1}{4}$) mile beyond the proposed subdivision. The sketch plan shall include existing and proposed streets and highways, natural drainage courses and similar major natural or manmade features of the area. Existing trees shall be shown on the plan for the site to be subdivided. In addition, existing and proposed major uses for residential, commercial, industrial and public purposes shall be shown on the map. This sketch plan must be presented at least fifteen (15) days prior to submission of the preliminary plat. After review of the sketch plan by all applicable City departments, the subdivider shall be furnished written comments concerning the feasibility and design of the proposed subdivision. No action is required of the Planning Commission or the City Council. (Ord. 1008 §2(B), 1979)

Sec. 16-12-30. Preliminary plat required.

After the subdivider has reached preliminary conclusions concerning the feasibility and design of the proposed subdivision, a preliminary plat shall be prepared for presentation to the Planning Commission. The preliminary plat shall be processed according to procedures set out in Sections 16-12-40 through 16-12-140. (Ord. 1008 §2(C)(part), 1979)

Sec. 16-12-40. Copies for agency review.

Fifteen (15) copies of the preliminary plat and required supplemental material shall be presented to the City Planner at least thirty (30) days prior to a regular Planning Commission meeting. If the plat is in compliance with these regulations, the City Planner will furnish the appropriate agencies with a copy

for their review and comments. The agencies shall have twenty (20) days from the date they receive the plat to review and return it to the City Planning Department. Failure to return the plat or otherwise notify the City Planner shall constitute approval by the agency. (Ord. 1008 §2(C)(1), 1979)

Sec. 16-12-50. Hearing on plat.

In accordance with state statutes, the Planning Commission shall hold a hearing on the preliminary plat. Notice of the hearing shall be sent by certified mail to the owners of the property to be subdivided and similar notice shall be sent to immediately adjacent property owners at least five (5) days prior to the date fixed therefor. Such notice shall be for information purposes, but failure of any adjacent property owner to receive such notice shall not affect the validity of the hearing. Every preliminary plat shall contain the name and address of the applicant to whom notice of the hearing shall be sent. The applicant shall submit to the Planning Department the names and addresses of owners of immediately adjacent property. (Ord. 1008 §2(C)(2), 1979; Ord. 1589, 1999)

Sec. 16-12-60. Action by Planning Commission.

Within thirty (30) days following the review of the plat by the Planning Commission, the Planning Commission shall approve, disapprove or approve the preliminary plat with modifications. Failure to act on the preliminary plat within thirty (30) days shall constitute approval unless the subdivider consents to an extension of such period. If the plat is disapproved, the reasons shall be noted in writing, and, if possible, recommendations made whereby the plat might gain approval. (Ord. 1008 §2(C)(3), 1979)

Sec. 16-12-70. Field inspection.

After the regular Planning Commission meeting at which the subdivision is first discussed, the Planning Commission may schedule a field trip to the site of the proposed subdivision, accompanied by the applicant or his or her representative. In order to facilitate field inspection and review of the site of the proposed subdivision, temporary staking along the centerline of all proposed streets in the subdivision may be required of the applicant. (Ord. 1008 §2(C)(4), 1979)

Sec. 16-12-80. Request for review by City Council.

Within fifteen (15) days after a preliminary plat is disapproved or approved with modifications by the Planning Commission, the subdivider, the City staff or any agency having an official interest may request in writing a review before the City Council. (Ord. 1008 §2(C)(5), 1979)

Sec. 16-12-90. Preparation of preliminary plat.

The preliminary plat shall be prepared as follows:

(1) The design shall be in accord with the subdivider's plans for actual development, and, therefore, shall be a true representation of the subdivision which may eventually be recorded.

(2) The drawing shall be made at a scale of one (1) inch equals one hundred (100) feet or a larger scale if greater detail is required. A smaller scale, not to exceed one (1) inch equals two hundred (200) feet, may be used if the majority of the lots shown are over one (1) acre in size. A map of twenty-four (24) inches by thirty-six (36) inches is preferred. (Ord. 1008 §2(C)(6), 1979)

Sec. 16-12-100. Contents of preliminary plat.

The preliminary plat shall contain the following information:

- (1) Proposed name of the subdivision;
- (2) Location and boundaries of the subdivision as a part of some larger subdivision or tract of land;
- (3) Names and addresses of the subdivider, the designer and surveyor (who shall be licensed by the Colorado State Board of Registration for Professional Engineers and Land Surveyors);
- (4) Date of preparation, scale and north sign (designated as true north);
- (5) Total acreage of the subdivision;
- (6) Location and principal dimensions for all existing streets (including their names), alleys, easements, watercourses and other important features within and adjacent to the tract to be subdivided;
- (7) Location and principal dimensions for all proposed streets (including their names), alleys, easements, lot lines and areas to be reserved or dedicated for parks; schools or other public uses;
- (8) Proposed location of bicycle rights-of-way;
- (9) Topography at two-foot contour intervals referenced to USGS datum;
- (10) Designation of areas subject to inundation and perpetual drainage easements and specific designation of areas subject to five-hundred-year and one-hundred-year floods and the volume of water during such floods;
- (11) Drainage plan;
- (12) Geological stability information shall be furnished upon request of the City Engineer;
- (13) Site data, including the number of residential lots and typical lot sizes;
- (14) Proposed sites, if any, for multiple-family residential use, commercial areas, industrial areas, churches and other nonpublic uses exclusive of one-family residential uses;
- (15) Landscaping plans, when appropriate;
- (16) The names of abutting subdivisions or the names of owners of abutting, unplatted property;
- (17) The location and size of existing utilities within or adjacent to the tract, including water, sewer, electricity and gas (may be placed on a separate plat);
- (18) Proposed private and public utility system, including water, sewer, electricity and gas (may be placed on a separate plat); and

(19) The location of all existing buildings that are to be retained on the site. (Ord. 1008 §2(C)(7), 1979)

Sec. 16-12-110. Material accompanying plat.

The preliminary plat shall be accompanied by the following:

(1) Such additional preliminary information as may be requested by the Planning Commission or City staff, in order to adequately evaluate proposed utility systems, surface improvements or other construction projects contemplated within the area to be subdivided.

(2) Application for rezoning, if required for the development of the subdivision. (Ord. 1008 §2(C)(8), 1979)

Sec. 16-12-120. Preliminary plat duration.

Approval of the preliminary plat shall be valid for no longer than one (1) year. A one-year extension of time may be applied for in writing to the Planning Commission. All or any portion of an approved preliminary plat may be submitted for final plat purposes. In the case of partial submission, the approval of the remaining portion of the preliminary plat shall automatically gain an extension of one (1) year before another phase of the plat must be submitted in final form. (Ord. 1008 §2(C)(9), 1979)

Sec. 16-12-130. Conformance required.

Every plat shall conform to the existing zoning ordinance and subdivision regulations applicable at the time of final approval, except that any plan which has received preliminary approval shall be exempt from any subsequent amendments to the zoning ordinance rendering the plat nonconforming as to bulk or use, provided that final approval is obtained within the one-year period. (Ord. 1008 §2(C)(10), 1979)

Sec. 16-12-140. Procedure for early construction of model homes.

For the purpose of allowing the early construction of model homes in a subdivision, the Planning Commission at its discretion may permit a portion of a major subdivision involving no more than three (3) lots to be created in accordance with the procedures for minor subdivisions, provided that such portion derives access from an existing street or highway, and provided that no future road or other improvement is anticipated where such lots are proposed. The final subdivision plat for the minor portion shall be submitted to the Planning Commission simultaneously with the preliminary plat for the entire major subdivision. (Ord 1008 §2(C)(11), 1979)

Sec. 16-12-150. Final plat required when.

Not more than twelve (12) months after the subdivider has received approval of the preliminary plat for a major subdivision or is notified by the City Planner as to the feasibility of a minor subdivision, the final plat shall be submitted. Only that part of the preliminary plat which is proposed by the developer for immediate recording must be submitted in its final form. The final plat may reflect the entire preliminary plat or any logical part thereof. The final plat shall be processed according to procedures set out in Sections 16-12-160 through 16-12-240. (Ord. 1008 §2(D)(part), 1979)

Sec. 16-12-160. Copies to City Planner.

Six (6) copies of the final plat and the required supplemental material shall be presented to the City Planner at least ten (10) days prior to a regular Planning Commission meeting. (Ord. 1008 §2(D)(1), 1979)

Sec. 16-12-170. Review by Planning Commission.

After reviewing the final plat to assure its acceptability, the City Planner shall present the plat to the Planning Commission for review. (Ord. 1008 §2(D)(2), 1979)

Sec. 16-12-180. Hearing on final plat.

The Planning Commission shall hold a hearing on the final plat in the manner set forth in this Section. Notice of hearing shall be sent by certified mail to the owners of the property to be subdivided and a similar notice shall be sent to immediately adjacent property owners. Such notice shall be mailed at least five (5) days prior to the date fixed therefor and shall contain the time and place for the hearing and shall set forth the matter to be considered. Such notice shall be for informational purposes, but failure of any adjacent property owner to receive such notice shall not affect the validity of the hearing. Every final plat shall contain the name and address of the applicant to whom notice of the hearing shall be sent. The applicant shall submit to the Planning Department the names and addresses of the owners of immediately adjacent property. (Ord. 1008 §2(D)(3), 1979; Ord. 1589, 1999)

Sec. 16-12-190. Submission to City Council.

After reviewing the final plat, the Planning Commission shall submit it together with the Commission's recommendations in writing to the City Council for final action. (Ord. 1008 §2(D)(4), 1979)

Sec. 16-12-200. Action by City Council.

Upon receipt of the plat and recommendations of the Planning Commission, the City Council shall approve, disapprove or refer the plat back to the Planning Commission for further study. If the plat is disapproved or referred, the reasons shall be stated in writing and a copy of the reasons furnished to the subdivider within thirty (30) days of presentation to the City Council. (Ord. 1008 §2(D)(5), 1979)

Sec. 16-12-210. Recordation of final plat.

Following acceptance of the final plat by the City Council, the plat shall be signed by the Mayor and attested by the City Clerk. The City Clerk shall then record the plat in the office of the applicable county clerk and recorder. The subdivider shall furnish the required copies for plat recording and shall pay all recording fees. (Ord. 1008 §2(D)(6), 1979)

Sec. 16-12-220. Preparation of final plat.

The final plat shall be prepared as follows:

(1) The design shall conform to the preliminary plat if applicable, as conditionally approved, except that the final plat may constitute only that portion of the approved preliminary plat which is proposed for immediate recording.

(2) The drawing shall be made at a scale of one (1) inch equals one hundred (100) feet, by the use of India ink or other equally substantial solution, on a reproducible medium with outer dimensions of eighteen (18) inches by twenty-four (24) inches. Maps of two (2) or more sheets shall be referenced to an index map placed on the first sheet. (Ord. 1008 §2(D)(7), 1979)

Sec. 16-12-230. Contents of final plat.

The final plat shall contain the following information:

- (1) The proposed name of the subdivision under which it is to be recorded;
- (2) Scale, north sign and date;
- (3) Legal description of the property;
- (4) A complete description of primary control points (monuments) approved by the City Engineer to which all dimensions, angles, bearings and similar data on the plat shall be referred. These primary control points shall be determined prior to final approval; also, the monuments and ties to monuments shall actually exist in the field before final approval;
- (5) Names of all adjoining subdivisions with dotted lines of abutting lots. If the adjoining land is unplatted, it should be shown as such;
- (6) Filing boundary lines, right-of-way lines of streets, street centerlines, easements and other rights-of-way, drainage channels, and property lines of residential lots and other sites, with accurate dimensions, and bearings of curved data;
- (7) Names and right-of-way widths for each street or other right-of-way;
- (8) Location, dimensions and purposes of any easements and public use areas;
- (9) Number to identify each lot or site, and each block;
- (10) State of land ownership by the subdivider, and certification of Chapter;
- (11) Statement of owner dedicating streets, rights-of-way and any sites for public uses. Holders of encumbrances on the property to be subdivided shall consent thereto or issue a partial release to such dedicated streets, rights-of-way and public streets. Areas reserved for future public acquisition shall be defined in the subdivision agreement;
- (12) A current certificate by an attorney practicing law in the State, or a current title insurance commitment issued by a title insurance company authorized to do business in the State, that the person dedicating to the public, the public ways and areas shown on the final plat are the owners thereof in fee simple, free and clear of all liens and encumbrances;
- (13) Signature and seal of the registered land surveyor certifying accuracy of survey and plat;
- (14) Certification for approval by the Planning Commission and by the City Council. (Ord. 1008 §2(D)(8), 1979; Ord. 1589, 1999)

Sec. 16-12-240. Material accompanying final plat.

The final plat shall be accompanied by the following:

- (1) A computer check of the closure of all boundary lines to one (1) part in ten thousand (10,000) parts;
- (2) Complete engineering plans and specifications for all public facilities to be installed, i.e., water and sewer, utilities, streets and related improvements, bridges, parks and storm drainage plans and facilities;
- (3) Agreements made with ditch companies when needed. (Ord. 1008 §2(D)(9), 1979)

Sec. 16-12-250. Subdivision agreement and performance bond.

Before the City Council shall accept and approve a final plat, the subdivider shall have entered into a written subdivision agreement with the City wherein the subdivider shall agree to make and install, within the period of time determined to be necessary by the City and shall have provided a bond with sufficient sureties, a letter of credit, or an agreement for the benefit of the City, guaranteeing the faithful performance of the covenants made or shall have deposited sufficient funds in escrow with the City to cover the cost of such improvements, as such cost is determined by the City Engineer. Such bond, letters of credit, agreement or escrowed funds guaranteeing the performance of the subdivider's or owner's covenants shall be in an amount of at least equal to one hundred ten percent (110%) of the cost of performing the covenants made. The agreement shall further provide that no building permit or certificate of occupancy shall be issued if the agreement is in default. Such subdivision agreement shall also include any other provisions which the City deems necessary to protect the public's health, safety and welfare. (Ord. 1008 §2(E), 1979)

Sec. 16-12-260. Alternative procedures for reviewing subdivision plats.

For the purpose of streamlining the subdivision procedure and providing greater efficiency from an administration standpoint, a preliminary subdivision plat and a final subdivision plat may, at the subdivider's option, be processed simultaneously, provided that all requirements pertaining to each procedure are complied with. The intent of this provision is to allow City staff to review the preliminary subdivision plat through preapplication and post-application conferences, then present the matter to the Planning Commission and City Council as a final subdivision plat. In addition, a preliminary subdivision plat and/or a final subdivision plat may be processed during the procedure for other types of land development authorization which requires Planning Commission and City Council review, provided that all requirements pertaining to each procedure are complied with. Detailed requirements for integrating the procedures shall be contained in a separate administrative publication prepared and maintained by City staff. (Ord. 1089 §1(F), 1982)

ARTICLE 16-16

Design Standards

Sec. 16-16-10. Generally.

The character and environment of the City for future years will be greatly affected by the design of subdivisions and the plats that are approved by the City. Planning, layout and design of a subdivision are of the utmost concern. The residents must have available to them within the area safe and convenient movement to points of destination or collection. Modes of travel to achieve this objective should not conflict with each other or with abutting land uses. Lots and blocks should provide desirable settings for the buildings that are to be constructed, make use of natural contours and protect the view, afford privacy for the residents and protection from adverse noise and vehicular traffic. Natural features and vegetation of the area must be preserved if at all possible. Schools, parks, churches and other community facilities should be planned as an integral part of the area. In order to meet the above objectives, the City encourages innovative subdivision design. (Ord. 1008 §4(part), 1979)

Sec. 16-16-20. Site considerations.

(a) Land which the City finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements or other features which will reasonably be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the City to solve the problems created by the unsuitable land conditions. If the problem cannot be suitably corrected, such land shall be set aside for uses which shall not involve a danger or a harmful situation.

(b) Where a residential subdivision borders a railroad right-of-way, freeway or arterial street, design thereof shall include adequate provisions for the reduction of noise. A parallel street, a landscaped buffer area or lots with increased setbacks shall be required. (Ord. 1008 §4(A), 1979)

Sec. 16-16-30. Streets; conformance required.

Streets shall conform to the street element of the comprehensive plan of the City. (Ord. 1008 §4(B)(1), 1979)

Sec. 16-16-40. Property street access and frontage requirements.

No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing street or a street shown upon a plat approved by the Planning Commission and City Council and recorded in the County Clerk and Recorder's office. Wherever the area to be subdivided is to utilize existing frontage, such road shall be suitably improved as specified in these regulations. (Ord. 1008 §4(B)(2), 1979)

Sec. 16-16-50. Local streets.

Local streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property. Local streets shall be curved

wherever possible to avoid uniformity of lot appearance. The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, cul-de-sacs or U-shaped streets shall be encouraged where such use will result in a more desirable layout. All streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets. A combination of steep grades and curves shall be avoided. (Ord. 1008 §4(B)(3), 1979)

Sec. 16-16-60. Integration of streets with existing systems.

All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way and be properly related to special traffic generators such as industries, business districts, schools, recreation areas, churches and shopping centers; to population densities; and the pattern of existing and proposed land uses. (Ord. 1008 §4(B)(4), 1979)

Sec. 16-16-70. Boundary extensions of streets.

Proposed streets shall be extended to the boundary line of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the City, such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts. (Ord. 1008 §4(B)(5), 1979)

Sec. 16-16-80. Perimeter half-streets.

Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the subdivider. The City may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width within the subdivision boundaries. In the event that the entire required street right-of-way width is improved and dedicated, arrangements for reimbursement, at the time the adjoining land is subdivided, shall be contained in the subdivision agreement. (Ord. 1008 §4(B)(6), 1979)

Sec. 16-16-90. Streets in commercial and industrial developments.

In commercial and industrial developments, the streets and other accessways shall be planned in connection with the grouping of buildings, location of rail facilities and provision of alleys, truck loading and maneuvering areas, walks and parking areas so as to minimize the conflict of movement between the various types of traffic, including pedestrian. (Ord. 1008 §4(B)(7), 1979)

Sec. 16-16-100. Access to arterial streets.

Where a subdivision borders on or contains an existing or proposed arterial, the City may require that access to such streets be limited by one (1) of the following means:

- (1) The subdivision of lots so as to back onto the arterial and front onto a parallel local street; no access shall be provided from the arterial, and screening shall be provided in a strip of land along the rear property line of such lots;
- (2) A series of cul-de-sacs, U-shaped streets or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the arterial; or

(3) A marginal access or service road separated from the arterial by a planting or grass strip and having access thereto at suitable points. (Ord. 1008 §4(B)(8), 1979)

Sec. 16-16-110. Bicycle trails.

If applicable, bicycle trails shall align with any existing rights-of-ways, and conform with the bicycle element of the comprehensive plan. (Ord. 1008 §4(B)(9), 1979)

Sec. 16-16-120. Intersections.

(a) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five degrees (75°) shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. Not more than two (2) streets shall intersect at any one (1) point unless specifically approved by the City.

(b) Proposed new intersections along one (1) side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than one hundred fifty (150) feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where local streets intersect arterial streets, their alignment shall be continuous. Intersection of arterial streets shall be at least eight hundred (800) feet apart.

(c) Minimum curb radius at the intersection of two (2) local streets shall be at least fifteen (15) feet, and minimum curb radius at an intersection involving a collector street shall be at least twenty-five (25) feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.

(d) Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a four-percent rate at a distance of sixty (60) feet, measured from the nearest curbline of the intersecting street. (Ord. 1008 §4(B)(10), 1979)

Sec. 16-16-130. Dimensional standards for street layout.

The following standards shall apply in street designs:

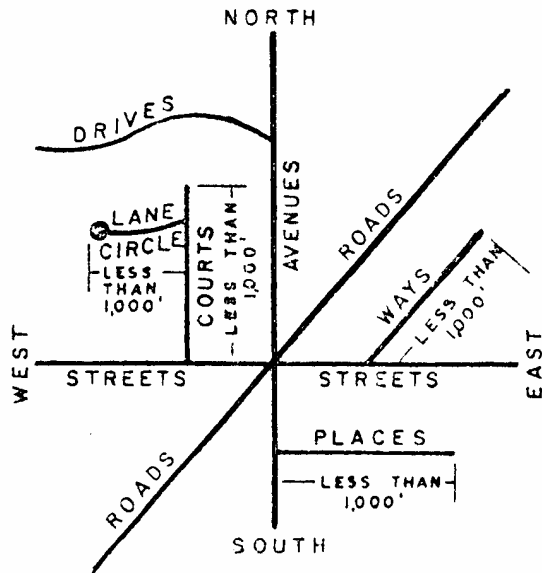
	<u>Development Density</u>		
	<u>Residential</u>	<u>Nonresidential</u>	
	Low & <u>Medium</u>	<u>High</u>	
Improvement:			
<u>Minimum Width Right-of-Way (in feet)</u>			
Alley (where permitted)	--	--	20
Local street	50	50	50
Collector street	60	70	70
Arterial street	80	100	100
<u>Minimum Width Flow Line to Flow Line (in feet)</u>			
Local street	36	40	40
Collector street	52	52	52

Arterial street	64	64	64
<u>Maximum Grade (Percent)</u>			
Local street	8	8	6
Collector street	8	8	6
Arterial street	6	6	5
<u>Minimum Grade</u>			
All streets	0.3	0.3	0.3
<u>Minimum Radius of Curve</u> (in feet)			
Local street	100	100	200
Collector street	200	200	200
Arterial street	500	500	500
<u>Minimum Length of Vertical Curve</u>			
Local street and collector street 100 feet, but not less than 20 feet for each percent of algebraic difference in grade.			
Arterial street 300 feet, but not less than 50 feet for each percent of algebraic difference in grade.			
<u>Minimum Length of Tangents</u> <u>Between Reserve Curves</u> (in feet)			
Local street	100	150	200
Collector street	100	150	200
Arterial street	300	350	400
<u>Minimum Sight Distance</u> (in feet)			
Local Street	200	200	250
Collector street	200	250	250
Arterial street	300	300	400
Intersection Across corners 50' back from intersection			
<u>Maximum Length of Cul-de-Sac</u> Not to exceed 600 feet			
<u>Minimum Diameter of Cul-de-</u> <u>Sac (in feet)</u>			
Local street ROW diameter	100	140	160
Pavement	90	120	140
Center island diameter (if required)	40	50	60
<u>Design Speed (miles per hour)</u>			
Local streets	30	30	30
Collector streets	30	35	35
Arterial streets	35	35	35

(Ord. 1008 §4(B)(11), 1979)

Sec. 16-16-140. Street names and numbers.

Street names shall not be used which will duplicate or be confused with the names of existing streets and shall be subject to approval of the Planning Commission. Street numbers shall be assigned by the City staff. The following method of street naming shall be used:



(Ord. 1008 §4(B)(12), 1979)

Sec. 16-16-150. Alleys.

Alleys, open at both ends, shall be provided in commercial and industrial areas, except that this requirement may be waived by the City where other provisions are made and approved for service access. Alleys shall not be allowed in residential subdivisions. (Ord. 1008 §4(B)(13), 1979)

Sec. 16-16-160. Utility easements.

Easements for utilities shall be a minimum of sixteen (16) feet wide, eight (8) feet of which shall be on each side of common rear lot lines where the lines abut. On perimeter rear lots, easement width shall be a minimum of ten (10) feet. Side lot easements where necessary shall be at least five (5) feet in width. This provision is subject to approval by the appropriate utility company. (Ord. 1008 §4(B)(14), 1979)

Sec. 16-16-170. Stormwater easements.

Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as may be required for necessary flood control measures. The minimum requirements for such easements shall be based on a five-year flood. The requirements for the urban drainage system shall be based on a one-hundred-year flood. A pedestrian or bikeway easement shall be required if the City determines that intermittent access to such watercourse, drainage way, channel or stream is necessary. (Ord. 1008 §4(B)(15), 1979)

Sec. 16-16-180. Blocks.

(a) Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to collector or arterial streets, railroads or waterways.

(b) The lengths, widths and shapes of blocks shall be such as are appropriate for the City and the type of development contemplated, but block lengths in residential areas, with lots fronting on a local street, shall not exceed one thousand four hundred (1,400) feet, nor be less than four hundred (400) feet in length. Wherever practicable, blocks along collector and arterial streets shall be not less than one thousand (1,000) feet in length. (Ord. 1008 §4(C), 1979)

Sec. 16-16-190. Lot arrangement.

The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the zoning ordinance and in providing driveway access to buildings on such lots from an approved street. (Ord. 1008 §4(D)(1), 1979)

Sec. 16-16-200. Lot dimensions.

Lot dimensions shall comply with the minimum standards of the zoning ordinance. Where lots are more than double the minimum required area for the zoning district, the City may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots, all in compliance with the zoning ordinance and these regulations. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Depth and width of properties reserved or laid out for high density residential, commercial or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the zoning ordinance. (Ord. 1008 §4(D)(2), 1979)

Sec. 16-16-210. Double frontage and reversed frontage lots.

Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation. Closed uniform fencing may be required where a rear yard backs to a collector or arterial street. (Ord. 1008 §4(D)(3), 1979)

Sec. 16-16-220. Access to lots.

Lots shall not, in general, derive access exclusively from an arterial street. Where driveway access from a collector or arterial street may be necessary for several adjoining lots, the City may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such street. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on collector or arterial streets. (Ord. 1008 §4(D)(4), 1979)

Sec. 16-16-230. Drainage for lots.

Lots shall be laid out so as to provide positive drainage away from all buildings. Individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots. (Ord. 1008 §4(D)(5), 1979)

ARTICLE 16-20

Improvements

Sec. 16-20-10. Approval required.

No improvements shall be made until all plans, profiles and specifications have been reviewed and approved by the City Engineer. (Ord. 1008 §5(part), 1979)

Sec. 16-20-20. Surface improvements.

Improvements to be provided by the subdivider shall include, but not be limited to:

(1) Survey monuments: permanent survey monuments, range points and lot pins shall be set at locations approved by the City Engineer. Monuments shall be set not more than one thousand four hundred (1,400) feet apart along any straight boundary line, at all angle points, and at the beginning, end and points of change of direction or change of radius of any curved boundary. In addition, half-inch steel pins (or larger) shall be set at all lot corners. Affixed securely to the top of each such monument shall be the Colorado registration number of the land surveyor responsible for the establishment of the monument;

(2) Curbs, gutters and sidewalks;

(3) Street and alley grading and paving;

(4) Widening and realignment of existing streets: Where a subdivision borders an existing narrow street or when the comprehensive plan indicates plans for realignment or widening a street that would require use of land in the subdivision, the applicant shall be required to improve and dedicate such areas for widening or realignment of such streets. Frontage streets shall be improved and dedicated at the applicant's expense to the full width as required by these subdivision regulations. Land dedicated for any street purposes may not be counted in satisfying yard or area requirements of the zoning ordinance;

(5) Street name and regulatory signs, including bicycle trail markings;

(6) Bridges, culverts and open drainage channels (where required);

(7) Bikeways: The subdivider shall construct a bicycle trail along any drainage channel which is required within the subdivision and is shown on the future land use map of the comprehensive plan as a greenbelt park. In addition, a bicycle trail shall be constructed, in lieu of sidewalk, on the side of an arterial street which borders the subdivision, if a trail has not been constructed on the opposite side of such street at an earlier date. A bicycle trail, in lieu of a sidewalk, shall be constructed on one (1) side of an arterial street, existing or proposed within the subdivision;

(8) Bicycle and pedestrian easements: required bicycle and pedestrian easements shall be improved as determined by the City;

(9) Street lights: the utility's standard ornamental street lighting shall be installed;

(10) Debris and waste: no cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish or other waste materials of any kind shall be in any land or left or deposited on any lot at the time of the issuance of a certificate of occupancy, and removal of same shall be required from each building site, prior to issuance of any certificate of occupancy for each respective building site;

(11) Fencing: each subdivider and/or developer shall be required to furnish and install fences wherever the City determines that such fencing is necessary to protect the public health, safety and welfare. The fences shall be constructed according to standards established by the City Engineer. No permanent certificate of occupancy shall be issued until such fence improvements have been duly installed. (Ord. 1008 §5(A), 1979)

Sec. 16-20-30. Utilities.

The following utilities shall be provided and connected to existing public systems by the subdivider:

- (1) Water lines and fire hydrants;
- (2) Sanitary sewer lines;
- (3) Storm drainage improvements and storm sewers (where required);

(4) In the event oversized water and/or sewer lines are required, arrangements for reimbursement shall be made through which the subdivider shall be allowed to recover the cost of the utility lines that have been provided by him or her beyond the needs of his or her development. The method and time of payment under the reimbursement shall be established in accordance with the City's current policies relating to the emplacement of such oversized utilities, but in no case shall the reimbursement period be extended beyond eight (8) years from the date the improvement is made. (Ord. 1008 §5(B), 1979)

Sec. 16-20-40. Underground utilities and other improvements.

(a) All telephone, television and electric distribution services, lines and street lighting circuits shall be placed underground. The subdivider shall be responsible for complying with the requirements of this Section, and shall make the necessary arrangements, including any construction or installation of such facilities, and shall be subject to all applicable laws and regulations for the construction of the same. Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts, electric transmission and distribution feeder lines, communication long-distance trunk and feeder lines, and other facilities necessarily appurtenant to such underground utilities may be placed aboveground. Such facilities shall be placed within easements or public rights-of-way provided for the particular facility.

(b) Other improvements not specifically mentioned in this Article shall be required if the City determines that such improvements are necessary to protect the public's health, safety and welfare. (Ord. 1008 §5(C), 1979)

Sec. 16-20-50. Finished plans required for acceptance of improvements.

Finished plans of all public improvements as installed shall be required before the City will accept the improvements. The working plans as approved are acceptable if they remain true after construction and as long as this is attested to by a registered engineer. (Ord. 1008 §5(D), 1979)

Sec. 16-20-60. Release of performance bond.

The subdivider shall be responsible to have the improvements installed, paid for and finally accepted by the City. The guarantees are required of the subdivider to meet this standard. If applicable, as each stage of improvement is completed, inspected and accepted, the amount of the performance bond sufficient to cover that phase of the development shall be released upon written request by the subdivider to the City Council. (Ord. 1008 §5(E), 1979)

Sec. 16-20-70. Extended guarantee.

The subdivider shall be responsible for the repair, replacement and/or maintenance of any improvement required in this Article, which fails to function properly or ceases to meet the standards of the City, due to defects in material or workmanship, within a period of one (1) year from the date of implacement. Failure to comply with this provision shall be punishable by the provisions outlined in Section 16-36-10 of this Chapter. (Ord. 1008 §5(F), 1979)

ARTICLE 16-24

Public Dedications and Reservations

Sec. 16-24-10. Dedication of rights-of-way.

Dedication of rights-of-way for public streets, bikeways, pedestrian easements, drainage easements, utility easements and all other rights-of-way shall be required in accordance with these regulations or as otherwise found necessary to protect the public's health, safety and welfare. Dedication of rights-of-way shall be made by the subdivider on the final plat, unless otherwise directed by the City Council. (Ord. 1008 §3(A), 1979)

Sec. 16-24-20. Local parks and open space.

(a) Public parkland and open space shall be dedicated to the City at a rate of three (3) acres per one thousand (1,000) of population for local neighborhood parks and open space exclusive of school sites. Computation for parkland and open space as required shall be as follows:

Total dwelling units proposed (or lots for single-family housing units) within the development X 2.96 persons per household.

Example: 670 dwelling units X 2.96 persons = 1,998 persons
3 acres x 1.998 = 5.994 acres of parkland/open space.

(b) Public parkland and open space to be dedicated to the City to meet the park and open space requirement for the development shall be located so as to provide a focus for the residential development. When possible, local parks should adjoin school property and/or neighborhood commercial centers.

(c) All park and open space to be dedicated to the City shall be free of natural hazards (i.e. floodplains, steep slopes, water bodies) and manmade facilities (i.e. detention or retention basins, gas wells, etc.) which inhibit the optimum development and utilization of the park and open space land for park and open space use.

(d) All parkland and open space to be dedicated to the City shall contain minimum improvements to include, but not be limited to, curb and gutter where the park abuts a street, storm drainage and sewer and water service to the property. (Ord. 1253 §1(part), 1987)

Sec. 16-24-30. Community parks and open space.

(a) Public parks and open space shall be dedicated at a rate of three (3) acres per one thousand (1,000) population for community parks exclusive of school sites. Computation of the park and open space requirements shall utilize the same method as defined in Section 16-24-20(a).

(b) Public parkland and open space to be dedicated to the City to meet the community park requirement for the development shall be located so as to provide a focus for the City and its residential neighborhoods. The location of community parks has been identified in Figure 1 of the parks and open space element of the City's growth and development policy plan.

(c) When a development is proposed in the vicinity of the general location of a proposed community park as defined in Figure 1 of the parks and open space element of the growth and development policy plan, the Director of Parks and Recreation shall make a determination as to the precise location and configuration of the community park. Adjoining developments shall be required to provide an area for community park purposes based upon the formula as specified in Subsection (a) of this Section. Should the size of the community park located within the development exceed the dedication requirements for community parks for the development, the developer shall be required to reserve the remaining land for City acquisition based upon the fair market value of the unimproved land as zoned for urban development at the time of submission of the first subdivision plat.

(d) When the project location is not within the vicinity of a community park, the developer shall be required to pay a fee in lieu of land dedication equal to a rate of three (3) acres per one thousand (1,000) population based upon the fair market value of the unimproved land as zoned for urban development. The fair market value of the land shall be established by an appraisal commissioned by the City at the developer's expense for the purposes of establishing the value of parkland which would have been dedicated. The dedication of community parkland, or the payment of fee in lieu of land dedication, shall be required by the City at time of final plat approval.

(e) All fees collected for the purposes of community parkland acquisitions shall be placed in a community park development fund to be utilized for the acquisition of land for community park purposes.

(f) For purposes of the development of local and community parks and open space, each project shall be required to pay a park development fee based upon the number of units (or lots) proposed within the development. The amount of the park development fee shall be established by resolution of the City Council based upon the site development cost to the City to improve local and community parkland on an acre basis, and shall be due and payable at the time of issuance of building permits. (Ord. 1253 §1(part), 1987)

Sec. 16-24-40. Exemption to parkland dedication requirements; infill development.

All infill development currently serviced by existing local parks and lying within the infill development boundary line as described in Exhibit A to the ordinance codified in this Article shall be

exempt from the parkland dedication requirement. However, all infill development shall be required to pay the park development fee established by City Council. (Ord. 1253 §1(part), 1987)

Sec. 16-24-50. Park development fee.

To provide recreational opportunities for those employed within the City, the City Council may request all commercial and industrial projects to pay a park development fee up to twenty percent (20%) of the fair market value of the unimproved land as zoned contained within the project site. Such fee shall be used for community park improvements which benefit the development. (Ord. 1253 §1(part), 1987)

Sec. 16-24-60. Private outdoor recreation and open space.

(a) Whenever the residential density of a development project meets or exceeds eight (8) dwelling units per gross acre, the developer shall be required to provide twenty-five percent (25%) of the development site in common outdoor recreation and open space. In meeting this requirement, the developer may not include in the calculation any area within a required setback or surface parking area.

(b) In providing for private common outdoor recreation and open space within a project, the developer may increase the net density of his or her project based upon the total number of units which could have been built on the site prior to the provision of private common recreation and open space.

(c) In no instance shall the provision of private outdoor recreation and open space as required by this Section be construed as meeting the developer's requirement for public parks and open space. (Ord. 1253 §1(part), 1987)

Sec. 16-24-70. Density bonus for bicycle and pedestrian paths.

To encourage the improvement of City-wide bicycle and pedestrian trails as shown in Figure 1 of the parks and open space element of the growth and development policy plan, the developer may receive a 1.5 density bonus based upon the value of the trail improvements as it relates to the value of an acre of unimproved ground within the development as zoned. (Ord. 1253 §1(part), 1987)

Sec. 16-24-80. Fair contribution for public school sites.

(a) For all subdivisions of land, the subdivider shall dedicate land for a public school site to the Brighton School District 27J ("School District"), or in the event the dedication of land is not deemed feasible or in the best interest of the School District, as determined by the Superintendent or designee of the School District, the subdivider shall make a payment in lieu of land dedication. The amount of such contribution of either land or payment in lieu of land (the "Fair Contribution for Public School Sites") shall be determined pursuant to the tables set forth in subsection (e) below.

(b) The following uses shall be excepted from the Fair Contribution for Public School Sites requirements:

(1) Construction of any nonresidential building or structure;

(2) Alteration, replacement or expansion of any legally existing building or structure with a comparable new building or structure which does not increase the number of residential dwelling units;

(3) Construction of any building or structure for a limited term stay or for long-term assisted living, including but not limited to bed and breakfast establishments, boarding or rooming houses, family-care homes, group-care homes, halfway houses, hotels, motels, nursing homes or hospices; and

(4) Construction of any residential building or structure classified as housing for older persons, pursuant to the Federal Fair Housing Act, as amended.

(c) In the event the Fair Contribution for Public School Sites includes the dedication of land, the subdivider shall provide to the City, prior to recording of the final plat, proof that such dedication has been made to the School District in accordance with the following requirements:

(1) The subdivider has conveyed to the School District by general warranty deed title to the land slated for dedication, which title is free and clear of all liens, encumbrances and exceptions (except those approved in writing by the School District), including without limitation, real property taxes, which will be prorated to the date of conveyance or dedication;

(2) At the time of conveyance, the subdivider has provided a title insurance commitment and policy in an amount equal to the fair market value of the dedicated property; and

(3) Arrangements have been made such that at the appropriate time, and not later than the issuance of the first building permit for the subdivision, the subdivider shall pay or provide for the payment of one-half (½) of street development costs, and shall either provide or pay or make provision for payment of the costs associated with making improvements for water, sewer and utilities stubbed to the dedicated land, and for overlot grading of the dedicated land.

(d) If the Fair Contribution for Public School Sites includes payment in lieu of dedication of land, then prior to the issuance of any building permit for any residential dwelling unit in the subdivision not otherwise exempt under Subsection (b) above, the City shall be provided with proof that, for the lot for which the permit is sought, the required payment in lieu of dedication of land has been made to the School District.

(e) The following Table 1, containing School Planning Standards and Calculations of in-Lieu Fees, shall be used to determine the Fair Contribution for Public School Sites required for the various occupancies addressed in such table:

(Ord. 1570 §1, 1999)

Table 1. "Project Name" – School District Enrollment and Site Implications

A. Student Generation Estimates

Housing Unit Type by Area	Density (Units /acre)	Unit Code	Number of Dwelling Units	ELEMENTARY		MIDDLE		SENIOR HIGH		Total Students
				Student Generation Rate*	Number of Students	Student Generation Rate*	Number of Students	Student Generation Rate*	Number of Students	
Single family -- detached	-	0	-	0.346	-	0.173	-	0.231	-	-
Single family -- attached	-	1	-	0.171	-	0.085	-	0.114	-	-
Condos/Townhomes	-	2	-	0.070	-	0.035	-	0.045	-	-
Multifamily	-	3	-	0.035	-	0.017	-	0.023	-	-
Mobile home	-	4	-	0.230	-	0.110	-	0.150	-	-
				0.346	-	0.173	-	0.231	-	-
Total	-		-							

B. Facilities Requirements

School Type	Students (From Part A)	Current Facility Capacity	Site Size (in acres)	Project Requirements		Land Cost Per Acre	Cash-in-Lieu Amount to Request	Cash-in-Lieu Per Unit
				Proportion of Facility Capacity	Acreage			
Elementary	-	650	15	-	-	\$ 35,000	-	#DIV/0!
Middle	-	675	20	-	-	35,000	-	#DIV/0!
Senior High	-	1,800	48	-	-	35,000	-	#DIV/0!
Total	-						\$ -	#DIV/0!
Land Dedication Provided								
Remaining Land Needed						\$ 35,000	\$ -	

* Assumes most recent student generation rates available.

Notes: Acreage and facility capacity requirements are based upon current district experience. Totals may not add because of rounding.

ARTICLE 16-28

Fees

Sec. 16-28-10. Schedule of fees.

There shall be required a fee for each subdivision plat submitted for approval. Such fees shall be paid at the time of submission of the preliminary and final plat for major subdivisions, or the final plat for minor subdivisions. The following fees shall be paid to the City Clerk:

- (1) For minor subdivisions, one hundred dollars (\$100.00).
- (2) For the preliminary plat of a major subdivision, one hundred fifty dollars (\$150.00).
- (3) For each final plat of a major subdivision, one hundred fifty dollars (\$150.00) and five dollars (\$5.00) per acre or portion thereof.
- (4) Any additional costs made necessary by unusual circumstances or more than ordinary review and other services being provided by the City. (Ord. 1008 §1(K), 1979)

ARTICLE 16-32

Variances

Sec. 16-32-10. Generally.

The City Council may authorize variances from these regulations in cases where, due to exceptional topographical conditions or other conditions peculiar to the site, an unnecessary hardship is placed on the subdivider. Such variances shall not be granted if it would be detrimental to the public good or impair the intent and purposes of these regulations. The conditions of any variance authorized shall be stated in writing in the minutes of the City Council with justifications set forth. The variance shall be in keeping with the intent of the comprehensive plan for the City. (Ord. 1008 §1(J)(1), 1979)

Sec. 16-32-20. Planned unit development variances.

Planned unit development (PUD) variances to these regulations may occur when the application for a PUD has been processed and approved by the City in accordance with the City zoning ordinance. All planned unit developments shall meet the applicable requirements of the zoning ordinance and shall also meet all applicable requirements of these regulations. (Ord. 1008 §1(J)(2), 1979)

ARTICLE 16-36

Penalties and Civil Remedies

Sec. 16-36-10. Violations, penalties and other actions.

(a) Any person who violates any of the provisions of these regulations shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not more than three hundred

dollars (\$300.00) or a jail sentence of not more than ninety (90) days or by both such fines and imprisonment. Each day that a violation of these regulations continues shall constitute a separate and distinct offense, and shall be punishable as such.

(b) In case of a failure to comply with any requirements of these regulations, the City or any person affected by such failure may in addition to other remedies provided by law, initiate a civil action for injunction, mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

(c) The remedy provided for in this Section shall be accumulative and not exclusive and shall be in addition to any other remedies provided by law. (Ord. 1008 §1(H), 1979)

ARTICLE 16-40

Vested Property Rights

Sec. 16-40-10. Purpose.

The purpose of this Article is to provide the procedures necessary to implement the provisions of Article 68 of Title 24, C.R.S., relative to the creation and duration of vested property rights. (Ord. 1319 §1(part), 1988)

Sec. 16-40-20. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

(1) *Application* means a substantially complete "Application for Site Specific Development Plan Vested Property Right" that has been submitted to the City in accordance with this Article and pursuant to its related land use regulations and zoning ordinances. The application shall describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property, and shall set forth the specific parcel or parcels for which the applicant proposes to acquire a vested property right.

(2) *Landowner* means any owner of a legal or equitable interest in real property, and includes the heirs, successors and assigns of such ownership interests.

(3) *Property* means all real property subject to land use regulation by the City.

(4) *Public hearing* means a meeting open to the public for which public notice has been given by a) publishing the time, place and purpose of such hearing in a newspaper of general circulation in the City at least fifteen (15) days prior to the public hearing; b) sending notice of the time, place and purpose of such hearing by regular mail to each property owner of property adjacent to the property which is the subject of the public hearing, such mailing to be sent at least fifteen (15) days prior to the public hearing and sent to property owners as determined from a list provided by the applicant; and c) posting on the subject property a sign or signs containing the date, time and purpose of the public hearing, at least fifteen (15) days prior to the date of the public hearing.

(5) *Site specific development plan*:

a. A *site specific development plan* shall consist of final approval of a final plat for a major subdivision as defined in this Code, final approval of a development agreement made between a landowner and the City, final approval of a planned unit development plan, or if none of the above is applicable, the final approval step, irrespective of its title, which occurs prior to building permit application; or such other final approvals as the City may from time to time designate as a *site specific development plan*. The rights of a landowner to develop according to a *site specific development plan* shall not vest hereunder or in accordance with Section 24-68-101 et seq., C.R.S., as the same may be amended from time to time, until final approval by the City Council of the landowner's application for site specific development plan vested property right.

b. *Site specific development plan* shall not include a sketch plan as defined in Section 30-28-101(8), C.R.S., a final architectural plan, public utility filings, final construction drawings or related documents specifying materials and/or methods for construction of improvements, "minor subdivision" approvals, variances issued by the Board of Adjustment, business licenses, floodway or floodplain permits, franchises, temporary use permits, any comprehensive master plan element, designation of areas of state interest, creation of improvement districts, any preliminary sketch plan or plat, zoning in conjunction with annexation to the City, or zoning that is not part of a site specific development plan.

(6) *Vested property right* means the right to undertake and complete the development and use of property under the terms and conditions of a *site specific development plan* and shall be deemed established upon final approval of the application for site specific development plan. (Ord. 1319 §1(part), 1988; Ord. 1610 §1, 1999)

Sec. 16-40-25. Application procedure.

(a) A landowner may apply for a site specific development plan vested property right by filing an application as provided for herein. A landowner desiring to apply for such vested property right shall file a fully completed application with the City Manager on an application form supplied by the City Manager, and shall include therewith all submissions required by the application and/or City Manager. A landowner may request review and approval of the application for site specific development plan vested property right simultaneously with the review and approval for a final plat for a major subdivision as defined in this Code, final approval of a development agreement made between a landowner and the City, or final approval of a planned unit development plan, or, if none of the above is applicable, the final approval step, irrespective of its title, which occurs prior to building permit application; or in connection with such other reviews and/or approvals as the City may from time to time designate as *site specific development plan*. Said application shall describe with reasonable certainty the type and intensity of use for a specific parcel or parcels of property, and shall clearly and unambiguously indicate the landowner's intent to apply for a vested property right.

(b) The application for site specific development plan vested property right shall be reviewed by the Planning Commission along with its review of the site specific development plan. The Planning Commission shall evaluate the requested site specific development plan and, should the same be recommended for approval, the Planning Commission shall recommend the approval or denial of the application for site specific development plan vested property right. The recommendations of the Planning Commission shall then be forwarded to the City Council for its review and action after a public hearing for that purpose. (Ord. 1610 §2, 1999)

Sec. 16-40-30. Notice and hearing.

No application for site specific development plan vested property right shall be approved by the City Council until after a public hearing. Notice of such public hearing may, at the option of the City, be combined with the notice for any other hearing to be held in conjunction with the hearing on the site specific development plan for the subject property. At such hearing, persons with an interest in the subject matter of the hearing shall have an opportunity to present relevant or material evidence as determined by the City Council. (Ord. 1319 §1(part), 1988; Ord. 1610 §3A, 1999)

Sec. 16-40-40. Action for approval of site specific development plan vested property right; conditions.

A site specific development plan vested property right shall be deemed approved upon the effective date of the City Council final approval action relating to such site specific development plan. Such approval shall occur only if the site specific development plan meets all the provisions of this Article and related land use and zoning ordinances or regulations of the City. An approval may include such terms and conditions as may be reasonably necessary to protect the public health, safety and welfare, and shall be subject to additional land use regulations and ordinances, including but not limited to the enactment of "Smart Growth" legislation by the City, which legislation may further refine when vesting occurs and what constitutes a "site specific development plan." Failure to abide by such terms and conditions may at the option of the City Council, and after public hearing, result in denial of final approval of the site specific development plan vested property right, render the application voidable and/or result in the forfeiture of vested property rights. (Ord. 1319 §1(part), 1988; Ord. 1610 §3A, 1999)

Sec. 16-40-50. Duration; termination; waiver; abandonment.

(a) Three-year period. A property right which has been vested as provided in this Article shall remain vested for a period of three (3) years from the date of final application approval by the City Council.

(b) Waiver. The failure of a landowner to apply for a site specific development plan vested property right at the time that an application is submitted for final plat for a major subdivision as defined in this Code, final approval of a development agreement made between a landowner and the City, final approval of a planned unit development plan or, if none of the above is applicable, the final approval step, irrespective of its title, which occurs prior to building permit application, or such other approvals as the City may from time to time designate as "site specific development plan," shall be deemed a waiver by the landowner of vesting of the property rights for that site specific development plan.

(c) Abandonment. If an applicant for a site specific development plan vested property right fails to timely pursue the application, including any delay in filing required submittals therewith, such failure to complete the application process shall be deemed an abandonment of the application for site specific development plan vested property right. "Failure to timely pursue the application" shall mean an unreasonable failure to diligently pursue the application to completion, including but not limited to delays of up to one hundred eighty (180) days during the application process, where such delay or failure is attributable to the landowner.

(d) City Council authorized to enter into alternative agreements. Notwithstanding the foregoing provisions of this Section, the City Council is authorized to enter into an agreement with the landowner to provide for property rights to be vested for a period exceeding three (3) years where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of the development, economic cycles and market conditions. (Ord. 1319 §1(part), 1988; Ord. 1610 §3A, 1999)

Sec. 16-40-60. Exceptions to vesting of property rights.

A vested property right, once established as provided for in this Article, precludes any zoning or land use action by the City or pursuant to an initiated measure which would alter, impair, prevent, diminish or otherwise delay the development or use of the property as set forth in the site specific development plan, except:

- (1) With the consent of the affected landowner;
- (2) Upon discovery of natural or manmade hazards on or in the immediate vicinity of the subject property, which hazards could not reasonably have been discovered at the time of site specific development plan approval, and which hazards, if uncorrected, would pose a serious threat to the public health, safety and welfare;
- (3) To the extent that the affected landowner receives just compensation for all costs, expenses and liabilities incurred by the landowner including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal and other consultants' fees incurred after approval by the City Council, together with interest thereon at the legal rate until paid. Just compensation shall not include any diminution in the value of the property which is caused by such action;
- (4) The establishment of a vested property right pursuant to law shall not preclude the application of ordinances or regulations which are general in nature and are applicable to all property subject to land use regulation by the City, including, but not limited to, building, fire, plumbing, electrical and housing codes. (Ord. 1319 §1(part), 1988)

Sec. 16-40-70. Amendments to site specific development plan.

In the event amendments to a site specific development plan are approved, the effective date of such amendments, for the purposes of duration of a vested property right, shall be the date of the approval of the original site specific development plan, unless the City Council specifically finds to the contrary and incorporates such finding in its approval of the amendment. Following approval or conditional approval of a site specific development plan, nothing in this Article shall exempt such a plan from subsequent reviews and approvals by the City Council to ensure compliance with the terms and conditions of the original approval; provided that such reviews and approvals are not inconsistent with said original approval. (Ord. 1319 §1(part), 1988)

Sec. 16-40-80. Notice of approval.

(a) Notice contained in documents. Any document designated by the City Council as a "site specific development plan" shall contain the following language: "Approval of this document may create a vested property right pursuant to Article 68 of Title 24, Colorado Revised Statutes, as amended." Failure to contain this statement shall invalidate the creation of the site specific

development plan vested property right. In addition, language describing generally the type and intensity of use and the specific parcels affected shall be included in any such document.

(b) Notice published. In addition to the requirements of Subsection (a) of this Section, notice of such site specific development plan approval shall be published in a newspaper of general circulation. The publication shall advise the general public of the site specific development plan approval and creation of a vested property right pursuant to Article 68 of Title 24, C.R.S. Language describing generally the type and intensity of use and the specific parcels affected shall be included in such notice. Such publication shall occur no later than fourteen (14) days following approval of the site specific development plan. (Ord. 1319 §1(part), 1988; Ord. 1610 §3B, 1999)

Sec. 16-40-90. Payment of costs.

In addition to any and all other fees and charges imposed by this Article and the ordinances of the City, the landowner for approval of a site specific development plan shall pay all costs incurred by the City as a result of the site specific development plan review, including publication of notices, public hearings and review costs when such costs are incurred apart and in addition to costs otherwise incurred by the City for a public hearing relative to the subject property. The amount of such costs to be assessed by the City shall be set by resolution of the City Council which shall remain in effect until such resolution is amended by action of the City Council. (Ord. 1319 §1(part), 1988)

Sec. 16-40-100. Miscellaneous.

(a) Approval of a site specific development plan vested property right pursuant to this Article shall not constitute an exemption from, or waiver of, any other provisions of this Code or any other regulations or ordinances of the City.

(b) The provisions hereof, including the definition of "site specific development plan," and the process of applying for a site specific development plan vested property right, may be amended by and shall be subject to the City's "Smart Growth" study and future legislation. (Ord. 1319 §1(part), 1988; Ord. 1610 §3B, 1999)

Sec. 16-40-110. Limitations.

Nothing in this Article is intended to create any vested property right, but only to implement the provisions of Article 68 of Title 24, C.R.S. In the event of the repeal of said statute or a judicial determination that such statute is invalid or unconstitutional, this Article shall be deemed to be repealed and the provisions hereof no longer in effect. (Ord. 1319 §1(part), 1988)